

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROGER GARDNER
Plaintiff,

Case No. 1:11cv138
Litkovitz, M.J.; Bowman, M.J.

vs.

DANIEL O'MALLEY,

Defendant.

ORDER SETTING SETTLEMENT CONFERENCE

This case is hereby set for settlement conference **on Monday, APRIL 9, 2012, at 10:00 a.m.**, at the Potter Stewart U.S. Courthouse, 100 E. 5th Street, Room 706, Cincinnati, Ohio. The undersigned U.S. Magistrate Judge will serve as the facilitator of the settlement conference. At least 21 days prior to the settlement conference, plaintiff must make a settlement demand to defendant. Defendant shall have 7 days thereafter to make an offer to plaintiff.

Not later than noon, April 6, 2012, each party shall submit to the Magistrate Judge only, and without formal filing with the Clerk, a confidential letter of five pages or less regarding potential settlement, including a statement of the strengths and weaknesses of the case, an assessment of liability and damages, a summary of prior settlement negotiations, and a proposal as to how to settle this case now. These letters will be maintained by the Court separate and apart from the case file, and may be delivered by fax (513-564-7681) or email (bowman_chambers@ohsd.uscourts.gov).

Throughout the entirety of this settlement conference, party representatives with complete authority to negotiate a settlement of the case shall be present.

Pursuant to S. D. Ohio Civ. R. 16.3(c), all statements made by the parties relating to the substance or merits of claims or defenses made in the case, whether written or oral, made for the first time during the settlement conference or in the settlement conference statements required above shall be kept confidential by the Court, the parties, and counsel and shall not be admissible in evidence for any reason during the trial of this case.

IT IS SO ORDERED.

/s/ Stephanie K. Bowman
United States Magistrate Judge